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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 10/055,001 | 01/25/2002 | Christopher A. Helliwell | 021565-108 | 7679 |

21839 7590 02/05/2004

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
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EXAMINER

NGUYEN, QUANG

ART UNIT PAPER NUMBER

1636

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding:



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|-----------------------------|--------------------------|--|-----------------------------------|
| APPLICATION NO. 10055001 | FILING DATE 1/25/2002 | FIRST NAMED INVENTOR Helliwell et al. | ATTORNEY DOCKET NO. 021565-108 |
|-----------------------------|--------------------------|--|-----------------------------------|

EXAMINER

Quang Nguyen

ART UNIT

PAPER

1636

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice To Comply

*With Requirements For Patent Applications Containing Nucleotide Sequence
And/Or Amino Acid Sequence Disclosures.*

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Specifically the application fails to comply with CFR 1.821(d), which states:

(d) Where the description or claims of a patent application discuss a sequence that is set forth in the "Sequence Listing" in accordance with paragraph (c) of this section, reference must be made to the sequence by use of the sequence identifier, preceded by "SEQ ID NO: " in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application (see MPEP 2422.03).

For compliance with sequence rules, it is necessary to include the sequence in the "Sequence Listing" and identify them with SEQ ID NO. In general, any sequence that is disclosed and/or claimed as a sequence, i.e., as a string of particular bases or amino acids, and that otherwise meets the criteria of 37 CFR 1.821(a), must be set forth in the "Sequence Listing." (see MPEP 2422.03).

The instant specification fails to comply with the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures because the specification contains oligonucleotide sequences (page 39, paragraph [0119] and page 40, paragraph [0123]) that have not been assigned with appropriate SEQ ID NOs. in either a paper copy of the "Sequence listing" or in a CRF.

For the response to this office action to be complete, Applicants are required to comply with the Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee

- under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the SIX MONTHS statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Nguyen, Ph.D., whose telephone number is (571) 272-0776. If attempts to reach the examiner by telephone are unsuccessful, the examiner's mentor, David Guzo, Ph.D., may be reached at (571) 272-0767, or SPE, Remy Yucel, Ph.D., at (571) 272-0781.


DAVID GUZO
PRIMARY EXAMINER

| | | | |
|-------------------------|------------------------|---------------------|--|
| Notice to Comply | Application No. | Applicant(s) | |
| | 10/055001 | Helliwell et al. | |
| | Examiner | Art Unit | |
| | Quang Nguyen | 1636 | |

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See attached Notice to Comply

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

Sequence Count Sheet

Application No.
10/055001

Examiner
Quang Nguyen

Applicant(s)
Helliwell et al.

Art Unit
1636

DATE OF COUNT _____

Mark only one space below

- ☐ **(CRFN)** (CRF is unreadable; use CRF Diskette Problem Report)
- ☒ **(CRFD)** (CRF does not comply; use Notice to Comply)
- ☐ **(CRFR)** (CRF required but none submitted; use Notice to Comply)
- ☐ **(bona fide)** (second or subsequent letter to applicant reporting bona fide attempt to comply; use Notice to Comply and send copy of RSL)
- ☐ **(non bona fide)** (second or subsequent letter to applicant reporting non-bona fide attempt to comply; use Notice to Comply and send copy of RSL)